IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16275 of 2007(K)

PETITIONER:

SANTHI.M.K., W/O.A,V,SAJEEVAN,
AGED 37 YEARS, MANAGER,
PRASANTHI LADIES HOSTEL,
THENJIPALAM.P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON

RESPONDENTS:
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1. THENJIPALAM GRAMA PANCHAYATH,
THENJIPALAM, MALAPPURAM DISTRICT
REPRESENTED BY ITS SECRETARY,.

2. CHEMPRAKKUZHI UNNIKRISHNSAN,
VICE-PRESIDENT, THENJIPALAM GRAMA
PANCHAYATH, THNJIPALAM,
MALAPPURAM DIST.

BY ADV.SRI.P.C.SASIDHARAN FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE RECEIPT ISSUED BY THE FIRST RESPONDENT PANCHAYATH DTD. 30-03-2005**
EXT.P2	**TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT PANCHAYATH SEEKING THE RENEWAL OF LICENCE FOR CONDUCTING THE HOSTEL.**
EXT.P3	**TRUE COPY OF THE REPLY DTD. 19-4-07 FILED BY THE PETITIONER BEFORE R1**
EXT.P4	**TRUE COPY OF THE NOTICE ISSUED BY R1 PANCHAYATH TO THE PETITIONER.**

RESPONDENT'S EXHIBITS

EXT.R1(A)	**TRUE COPY OF THE LETTER ISSUED BY THE PANCHAYATH DTD. 16/4/2007.**

/True Copy/

PA to Judge.

K. M. JOSEPH, J.

W.P.C. NO. 16275 OF 2007

Dated this the 1st day of June , 2007

JUDGMENT

Case of the petitioner is as follows:

Petitioner is running a ladies hostel in a tenanted premise for the last five years. The inmates of the hostel are students studying in the Calicut University which is situated nearby. The petitioner was originally granted licence by the Panchayat. It is stated that there is adequate facility for collecting waste water within the hostel property. Further case is that the Vice-President of the first respondent Panchayat is in inimical terms with the brother of the petitioner and at the instance of the Vice-President, notice was issued by the Panchayat to the petitioner directing to close down the hostel within three days.

2. Petitioner challenges Ext.P4 and seeks a direction to the first respondent to keep in abeyance the operation of Ext.P4 till the disposal of the appeal to be filed by the petitioner.

3. It is submitted that appeal has already been filed. It is submitted by the counsel for the respondents that appeal itself will

be heard and disposed of at the earliest.

4. Counter affidavit is filed denying the allegations.

In such circumstances, petitioner having invoked the alternate remedy, I need not consider the challenge against Ext.P4. It is submitted by the counsel for the respondents that the appeal filed by the petitioner will be taken up and heard tomorrow. Petitioner will be present at the office of the Panchayat and thereupon after hearing the petitioner also, a decision will be taken in the appeal filed by the petitioner. Till such time as decision is taken, interim order will continue.

K. M. JOSEPH, JUDGE

sv.